

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK STATE NURSES :
ASSOCIATION, :
Plaintiff, : Case No.
vs. :
MONTEFIORE MEDICAL CENTER, :
Defendant. :
----- x

AFFIDAVIT OF
PAMELLA BROWN-RICHARDSON

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STATE OF NEW YORK |

} ss.:

COUNTY OF Westchester }

PAMELLA BROWN-RICHARDSON, being of full age and duly sworn, affirms as follows:

1. I am currently employed as a Nurse-Practitioner, at a primary care clinic affiliated with Montefiore Medical Center, located at 3400 Bainbridge Avenue, Bronx, New York. I have worked in this role since July 2019. I care for adult patients and my duties include assessing patients, prescribing medicine, creating treatment plans and educating patients about those treatment plans. I work five days a week, from 8:30 am to 5 pm. I work alongside one other Nurse-Practitioner and eight other doctors in the adult primary care portion of the clinic.
2. I have worked for Montefiore Medical Center for approximately 10 years. I started my career as a Staff Nurse working in the Emergency Room at the Weiler location, and also worked in the Cardiac Catheterization Lab.
3. On or about March 8, 2019, we began seeing patients with COVID-19 symptoms. At this time, I and the other Nurse-Practitioner began requesting Personal Protective Equipment ("PPE") to protect ourselves from exposure to COVID-19.
4. The Director of our clinic informed us that we would not be given PPE because there was a shortage and that PPE equipment was reserved to care for patients who were either known to be positive for COVID-19 or "suspected."
5. Over the next week and a half, despite caring for many patients with symptoms consistent with COVID-19 that should have "suspected" and despite daily requests for PPE, I was not provided with any PPE equipment. My employer did not provide any N95

respirators, even though N95 respirators were available in a locked closet in the clinic. We were also not given impermeable gowns, googles, or face shields. We were instructed that we could only wear a surgical mask, which is not adequate protection against COVID-19, if the patient presented with a cough. Otherwise we were prohibited from wearing a surgical mask because management believed that doing so could alarm patients.

6. On or about March 16, 2020, I began experiencing symptoms consistent with COVID-19, including cough and fever. I reported my symptoms to Montefiore and asked for testing. I was informed that Montefiore would not test me and that testing was only offered to staff if the exposure was "significant." The next day, after my symptoms worsened and I began to experience shortness of breath, body aches and significant fever, I obtained testing on my own at a Westchester Department of Health testing site in New Rochelle.

7. A few days later, I found out that I tested positive for COVID-19. The other Nurse-Practitioner who worked alongside me had also tested positive.

8. After several attempts to reach the Montefiore Occupational Health department, I finally spoke to someone on or about March 30 and stated that I tested positive. I was told that I should have returned to work 7 days after my symptoms started. I stated that I could not return to work because I still had significant shortness of breath and could not speak in full sentences. I also was concerned that if I returned to work, I would be putting my co-workers at risk.

9. On or about April 2, I went to the Emergency Room at my local hospital and, after a CT scan, was diagnosed with double-lobe pneumonia caused by COVID-19. I suffer from asthma, which places me at a higher risk for complications from COVID-19. My doctor has placed me out of work until I recover. I am currently in isolation from my family and I am

particularly concerned that my daughter, who has severe asthma, will also contract COVID-19.

Unfortunately, I have already infected my husband with COVID-19.

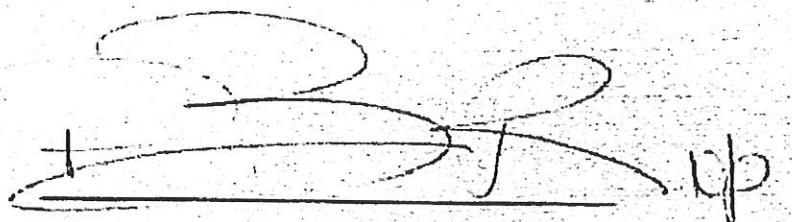
10. I believe that I contracted COVID-19 due to my exposure at work and the lack of adequate PPE, as I have not come into contact with any other persons I know to have the disease.

11. I was only paid COVID-19 sick time pursuant to New York State law for 3 days of work. Other than those 3 days, I have had to use time from my own sick bank for the time that I have been out of work due to COVID-19.

12. I have submitted a complaint to the New York State Department of Labor regarding Montefiore's failure to provide me additional sick leave under the New York COVID-19 sick leave law. To date, I have not received a response.

Sworn to before me this

17th day of April, 2020



Pamella Brown-Richardson

STATE OF NEW YORK

NOTARY SITUATED IN THE COUNTY OF QUEENS

Pursuant to Governor Andrew Cuomo's Executive Order 202.7, I attest that on this 17th day of April 2020, Pamella Brown-Richardson appeared before me by live audio-video technology, proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to this instrument, affirmatively represented that she was physically situated in the County of Westchester, NY, by her  signature executed the same in her capacity, and sent a true electronic copy of the same signed, executed instrument to me in the County of Queens, NY.


Rory Barthel, Esq.

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**Notary Public State of New York
Qualified in Queens County
Notary Registration No. 02BA6193594
Notary Commission Valid to 9/22/2020**

04/13/2020 5:20 PM